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AGENDA FOR THE REGULAR COUNCIL MEETING OF MONDAY, JULY 21, 2003 AT 2:00 P.M. CITY ADMINISTRATION BUILDING COUNCIL CHAMBERS - 12TH FLOOR 202 "C" STREET SAN DIEGO, CA 92101

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

June 23, 2003 June 24, 2003 June 30, 2003

July 1, 2003

July 7, 2003 - adjourned July 8, 2003 - adjourned

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

None.

ORDINANCES TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105 and 106.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-100: Transfer Funds for Balboa Park Organ Pavilion - Electrical System Update.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1392)

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$35,000 from CIP-20-013.0, Park and Recreation Grant Match Fund, Fund No. 630221 to CIP-21-834.0, Balboa Park/Mission Bay Park Requirements;

Authorizing the City Auditor and Comptroller to appropriate and expend \$35,000 from Park and Recreation Match Fund, Fund No. 630221, for CIP-21-834.0, Balboa Park/Mission Bay Park Requirements;

Authorizing the City Auditor and Comptroller, upon advice from administering departments, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Balboa Park Spreckels Organ Pavilion has provided entertainment for Balboa Park visitors since it was built in 1915 and continues to do so. Deterioration of the existing electrical system has limited use of this area for special events. The decorative lighting which is part of the ornamentation and is a signature of the building facade requires repairs. This project will provide design plans and construction to restore the ornamentation as required to maintain the building's decorative lighting. \$35,000 is required to complete the \$125,000 matching funds required for a \$1,000,000 State Grant received.

FISCAL IMPACT:

The estimated project cost is \$1,125,000 of which \$1,090,000 has been previously approved. The remaining funds to be transferred (\$35,000) are available in the Park and Recreation Grant Match Fund, Fund No. 630221.

Loveland/Belock/AO

Aud. Cert. 2301166.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-101: YMCA Turning Point.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-57)

Authorizing the City Manager to execute an agreement with YMCA of San Diego County for the receipt of \$310,000 in Community Development Block Grant (CDBG) funds to be used for the acquisition of a facility to provide living space for homeless and former foster-care youth enrolled in the YMCA Turning Point Transitional Living Program;

Authorizing the City Manager to expend an amount not to exceed \$310,000 from CDBG fund numbers 18535 (\$40,000), 18536 (\$75,000), 18537 (\$105,000), and 18538 (\$90,000), solely and exclusively for the acquisition of property rights, subject to the terms of the agreement referenced above.

CITY MANAGER SUPPORTING INFORMATION:

The City Council has approved allotments as follows: Resolutions R-291539, 03/03/99 \$40,000, R-293044, 05/01/2000 \$75,000, R-294849, 05/15/2001, \$105,000 and R-296421, 04/30/2002 \$90,000, which total \$310,000 in Community Development Block Grant Funds to the YMCA to be used to assist in the purchase of an apartment building, located at 4262 Swift Avenue, for housing of homeless and former foster-care youth enrolled in their YMCA Turning Point Transitional Living Program in the Greater North Park Community. The YMCA and Community Services are requesting City Council's approval of the release of these CDBG Funds for the acquisition of this apartment building that will house 24 residents. The present facility is located in an apartment complex at 4424 44th Street.

The funds will be released to escrow on the approval of an appraisal of the property by the Real Estate Assets Department. The cost of the appraisal and all escrow charges and fees shall be paid by the YMCA.

FISCAL IMPACT:

Funds in the amount \$310,000 are available in CDBG Fund Nos. 18535, 18536, 18537 and 18538.

Herring/Griffith/RAG

Aud. Cert. 2301293.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-102: Reassessment District No. 2003-1.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-98)

Approving the forms of a bond purchase agreement, a preliminary official statement, a continuing disclosure certificate and an escrow agreement pertaining to the issuance, sale and delivery of the City of San Diego Reassessment District No. 2003-1 Limited Obligation Refunding Bonds.

CITY MANAGER SUPPORTING INFORMATION:

On April 22, 2003, the City Council adopted two resolutions associated with this action:

Resolution Number R-297877 declared the City Council's intention to establish Reassessment District No. 2003-1, consolidate and reassess the properties within the City's 1915 Act Special Assessment District Numbers 4011 (De La Fuente Business Park-Ph I), 4021 (De La Fuente Business Park-Ph 2), and 4036 (International Business Center) (the "Original Districts"), into the proposed new Reassessment District No. 2003-1, and issue refunding bonds supported by the reassessments (the "Limited Obligation Refunding Bonds").

Resolution Number R-297878 preliminarily approved the Engineer's Report, set June 10, 2003 as the date for a public hearing on the proposed reassessments and refunding, and directed the City Clerk to provide for the mailing of a notice of the public hearing to the record owners of property proposed to be reassessed, together with reassessment ballot materials.

Pursuant to the June 10, 2003 public hearing and an affirmative reassessment ballot process, the

City Council adopted Resolution Nos. R-298078 and R-298079, which established Reassessment District No. 2003-1, approved the Engineer's Report, confirmed the preliminary reassessments within Reassessment District No. 2003-1, authorized the issuance of Limited Obligation Refunding Bonds and approved the form of bond indenture for Reassessment District No. 2003-1.

Today's action would approve the form, execution, and delivery of a Reassessment District No. 2003-l Preliminary Official Statement (and would provide for the preparation of a Final Official Statement) ("POS"), Bond Purchase Agreement ("BPA"), and City Continuing Disclosure Certificate. The POS is a document that describes the refunding issue to the marketplace, and the BPA is an agreement between the City and the underwriter for the initial purchase of the bonds. The City Continuing Disclosure Certificate requires the City to make secondary market disclosure on an annual basis to comply with federal securities regulations. Today's action would also authorize the City Manager or his designee to take certain actions necessary to execute and deliver documents and take such other actions to accomplish the issuance, sale and delivery of the refunding bonds.

If the above resolution is adopted, it is anticipated that the Limited Obligation Refunding Bonds would be issued this summer, with the goal of issuing the bonds at interest rates that would result in lower debt service requirements, thereby reducing annual special assessments for property owners within Reassessment District No. 2003-l. However, recent input from the investment community indicates that the proposed refunding may not reach the savings levels that might otherwise be achieved due to: a higher than normal assessment delinquency and foreclosure history with respect to two of the Original Districts; current and pending litigation involving certain properties within two of the Original Districts; status of development of the properties within the reassessment district; and other factors. In addition execution of a continuing disclosure agreement between the Fiscal Agent and any major property owners,. In a form satisfactory to Bond and Disclosure Counsel, will be requires to issue the refunding bonds.

FISCAL IMPACT:

There would be no fiscal impact to the City's General Fund as a result of this action. All costs related to the creation of Reassessment District 2003-l and the issuance of the refunding bonds would be reimbursed from bond proceeds. Certain costs have been interim funded by the City's Special Assessment District Delinquency Fund, and would be subsequently reimbursed if the refunding bonds are sold. If the Reassessment District is established and the refunding bonds are issued, annual debt service, as well as costs of administering the reassessment district, would be covered by assessments collected from property owners within the district.

Frazier/Vattimo/CW

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-103: National Endowment for the Arts (NEA) Folk and Traditional Arts Infrastructure Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-71)

Authorizing the City Manager to apply for and accept the NEA Folk and Traditional Arts Infrastructure Initiative Grant funding in the amount of \$27,000 for the San Diego Folk and Traditional Arts Project (Project) in Fiscal Year 2004 and to implement related activities;

Authorizing the City Manager to expend the NEA grant and its matching funds in a total amount not to exceed \$54,000, solely and exclusively for the Project and related activities, contingent upon the City Auditor and Comptroller first issuing one or more certificates certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to enter into an Agreement with Jana Fortier for professional consulting services related to the Commission for Arts and Culture's Folk and Traditional Arts Initiative in an amount not to exceed \$50,000;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to amendments and payment requests, and administer the grant funds as necessary for completion of the Project.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Commission for Arts and Culture (Commission) has received a grant for \$27,000 from the National Endowment for the Arts (NEA) Local Cultures Infrastructure Pilot Initiative to support the San Diego Folk and Traditional Arts Project (Project). The Project's goal is to strengthen and expand support for folk and traditional arts throughout the San Diego region. Folk and traditional artists are one of the most underserved segments of San Diego's arts and culture community.

In establishing the Project, the Commission seeks ways to identify and remove barrier that prevent those in the folk and traditional arts community from participating and fully benefitting from the opportunities that are available.

To achieve the Project's goal, funding from the NEA will be used to contract a folklorist to work with the Commission on the following Project objectives:

- Identify the number, range and needs of folk and traditional artists practicing throughout the region;
- Develop a program to address funding and technical assistance needs and professional opportunities; and
- Assess and locate the resources (financial and human) necessary to activate the program plan outlined in objective two.

A goal of the NEA's Local Cultures Infrastructure Pilot Initiative is to honor, assist, encourage, and present those artists and forms of artistic expression and practice that reflect the many cultural traditions that make up our nation by strengthening the state and regional infrastructure

of support for the folk and traditional arts. The Commission's proposal addressed both of the following NEA priorities:

- Showing the greatest impact in expanding or strengthening a state or region's infrastructure of support for the folk and traditional arts; and
- The potential for long term artistic impact.

The NEA contract is effective through December 31, 2003.

FISCAL IMPACT:

A one to one cash match is required. Matching funds in the amount of \$27,000 will be taken from the Commission's Grant Match Fund. Continued programming beyond the grant funded period is contingent on the availability of funds.

Herring/Hamilton/VJS

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-104: Exclusive Sale - Casa Colina Del Sol, 5207 52nd Place.

(See San Diego Housing Commission Report HCR-03-025. City Heights Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-43)

Authorizing the City Manager to conduct an exclusive sale of and convey the Property, known as Casa Colina Del Sol, to the San Diego Housing Commission for a payment of \$700,000, including an assignment of the existing lease to the Housing Commission, and upon such other terms and conditions as are set forth in the Offer to Purchase Real Property dated April 14, 2003.

CITY MANAGER SUPPORTING INFORMATION:

The City owns a 1.81 acre parcel at 5207 52nd Place in City Heights ("Property"). The Property is improved with a 75-unit, low-income housing complex commonly known as Casa Colina Del Sol. An existing 55-year ground lease on the Property with Gentry & Coles, a California general partnership, expires on December 21, 2031. Under the terms of the lease, the lessee is required to pay rent of 2.25% of gross rents over a \$375 monthly minimum rent. This is substantially below market rent. However, the lease does not have a rent escalation clause and restricts occupancy to low-income persons during the entire term. In FY 2002, the City received rent totaling \$12,295. Revenue for the remainder of the 28-year term is estimated to be less than \$400,000.

On January 4, 2003, an independent appraiser provided an opinion of value of \$700,000 for the Property encumbered by the existing leasehold interest. Thereafter, the San Diego Housing Commission offered to purchase the Property for \$700,000, and staff was directed to take the steps necessary to complete the sale of the Property.

On April 8, 2003, Council adopted Resolution R-2003-1145 approving the issuance of bonds for the purchase of the Property by the Housing Commission in an aggregate principal amount not to exceed \$3,500,000 (see Housing Commission staff report). At that time, the Housing Commission took the initial steps for the issuance of the bonds and the approval of a loan to Housing Development Partners, the purchasing entity, in the amount of \$1,600,000. On April 14, 2003, an Offer to Purchase Real Property was executed between the parties that established the terms of the sale, which includes the assignment of the current lease to the Housing Commission. To satisfy the terms of the bond issuance, the escrow for the Property must close by August 31, 2003.

FISCAL IMPACT:

\$700,000 will be deposited into the General Capital Outlay Fund 203453.

Herring/Griffith/CWG

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-105: <u>Six</u> actions related to Landscaping Easement Vacations in Torrey Hills Unit Nos. 11, 6, 2, 15, 4, and 14.

(Torrey Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-88)

Vacating the City's interest in the landscaping easements in Lot "A" and Lot "D" of Torrey Hills Unit No. 11, Map 13829 as shown on Drawing No. 19958-B.

Subitem-B: (R-2004-89)

Vacating the City's interest in the landscaping easement in Lot "C" of Torrey Hills Unit No. 6, Map 13767 as shown on Drawing No. 19959-B.

Subitem-C: (R-2004-90)

Vacating the City's interest in the landscaping easements in Lots "B," "C," and "D" of Torrey Hills Unit No. 2, Map 13533 as shown on Drawing No. 19960-B.

Subitem-D: (R-2004-91)

Vacating the City's interest in landscaping easement in Lot "A" of Torrey Hills Unit No. 15, Map 13792 as shown on Drawing No. 19961-B.

Subitem-E: (R-2004-92)

Vacating the City's interest in landscaping easement in Lot "B" of Torrey Hills Unit No. 4, Map 13545 as shown on Drawing No. 19962-B.

Subitem-F: (R-2004-93)

Vacating the City's interest in landscaping easements in Lot "A" and Lot "C" of Torrey Hills Unit No. 14, Map 13587 as shown on Drawing No. 19963-B.

CITY MANAGER SUPPORTING INFORMATION:

Council is requested to approve the vacations of landscaping easements within Lots "A" and "D" of Torrey Hills Unit No. 11, Map No. 13829, Lot "C" of Torrey Hills Unit No. 6 Map No. 13767, Lots "B," "C" and "D" of Torrey Hills Unit No. 2 Map No. 13533, Lot "A" of Torrey Hills Unit No. 15 Map No. 13792, Lot "B" of Torrey Hills Unit No. 4 Map No. 13545, and Lots "A" and "C" of Torrey Hills Unit No. 14 Map No. 13587 as shown on engineering Drawing Nos. 19958-B, 19959-B, 19960-B, 19961-B, 19962-B and 19963-B respectively. These sites are located southeasterly of Carmel Mountain Road and West Ocean Air Drive in the Torrey Hills Community Plan Area in Council District 1.

These easements are being vacated because private property owners encroached into and landscaped the areas prior to installation of landscaping to be maintained by the Landscape Maintenance District (LMD). Since the landscaping is private, the LMD does not want to maintain these areas. The easements being vacated were granted on their respective maps at no cost to the City, and the City has no monetary interest in the easements. There is no present or anticipated future use for the easements in their present locations.

Staff recommends approval of the vacations.

FISCAL IMPACT:

None. Applicant has paid all costs connected with this action.

Ewell/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-106: Appointments to the San Diego Ethics Commission.

(See memorandum from Mayor Murphy dated 6/27/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-60)

Council confirmation of the following appointments by the Mayor to serve as members of the San Diego Ethics Commission, for terms ending as indicated:

Nominee Category Term Ending
Karen L. Thomas Democrat 6/30/2007

(Replacing Lisa Foster, (Attorney)

whose term ended)

Charles H. Dick, Jr. Republican 6/30/2007

(Replacing Albert J. Gaynor, (Attorney)

whose term ended)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS ORDINANCE TO BE INTRODUCED:

ITEM-200: Refunding of the 2002 Lease Revenue Bonds (Ballpark Project).

(See City Manager Report CMR-03-148. Centre City East Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-09 Cor. Copy)

Introduction of an Ordinance pursuant to Section 99 of the Charter of the City of San Diego approving the form of and authorizing the execution and delivery of a site lease and an amended and restated Ballpark Facility Lease, and approving and authorizing the execution, delivery and performance of an assignment agreement and an indenture by the Public Facilities Financing Authority (Authority) of the City of San Diego and approving and authorizing the issuance and sale of the Authority's Refunding Lease Revenue Bonds, Series 2003 (Ballpark Project) and approving certain other documents and actions in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

<u>ADOPTION AGENDA, DISCUSSION, HEARINGS</u> SPECIAL HEARINGS:

ITEM-201: Four actions related to Fiscal Year 2004 Appropriation Ordinance and Related

Actions.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance in Subitem A; introduce the ordinances in Subitems B and C; and adopt the resolution in Subitem D:

Subitem-A: (O-2004-08)

An Ordinance adopting the Annual Budget for the Fiscal Year 2003-04 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: Today's action is the first public hearing. See Item 334 on the docket of Tuesday, July 22, 2003 for the second public hearing and introduction and adoption of the Ordinance.

Subitem-B: (O-2004-06)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 4, of the San Diego Municipal Code by amending Sections 22.4006 and 22.4022, relating to Special Events.

Subitem-C: (O-2004-07)

Introduction of an Ordinance amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0102, relating to Use of Park Areas.

Subitem-D: (R-2004-86)

Directing the City Clerk to revise the Ratebook of City Fees and Charges to add fees charged for special events applications, private events on public property, and Fire Department operational support fees.

<u>ADOPTION AGENDA, DISCUSSION, HEARINGS</u> SPECIAL HEARINGS:

ITEM-202: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City

Manager Bruce Herring, Paul Jacobs, Esq., Daniel S.

Barrett, and Robert J. Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site

pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph

31 of the 1995 Agreement for the Partial Use and

Occupancy of Qualcomm Stadium.

Prior to Council discussion in <u>Special Closed Session scheduled for July 21, 2003</u> and regular <u>Closed Session scheduled for July 22, 2003</u>, in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket <u>only</u> for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, HEARINGS SPECIAL HEARINGS:

ITEM-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Parcels 1, 2, 3, 4 and 5 of Parcel Map 18855.

City Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager

Bruce Herring, and Peter Hall, President, CCDC.

Negotiating Parties: City of San Diego, the San Diego Padres and JMI Realty, Inc.

Under Negotiation: Price and terms pursuant to the Memorandum of

Understanding for the Ballpark and Redevelopment Project

and its subsidiary agreements.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket <u>only</u> for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the Council on this item should speak "in

favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Attorney's Fees and Costs Claim of Phillip Paulson.

(R-2004-61)

Adopted as Resolution R-298162.

A Resolution approved by the City Council in Closed Session on Tuesday, July 1, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$18,638.72 in the settlement of each and every claim against the City, its agents and employees, for costs and attorneys' fees resulting from the pleadings offered by Phillip Paulson in opposition to the petition for certiorari made by the City of San Diego to the United States Supreme Court (Ninth Circuit Court of Appeals Case No. 00-55406 *Phillip Paulson v. City of San Diego*, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the sum of \$18,638.72 made payable to Phillip Paulson and his attorneys, Law Offices of James E. McElroy and ACLU Foundation of San Diego and Imperial Counties, in full settlement of the attorneys' fees and costs incurred in the United States Supreme Court;

Declaring that said funds are to be payable from Fund No. 81140.

Aud. Cert. 2400025.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to record a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following

subdivision:

SUBDIVISION Crawford Street

COMMUNITY AREA Navajo Community

The "Notice of Completion and Acceptance of Subdivision Improvement Agreement" shall be recorded with the County Recorder 15 days after this notice appears in the Council Docket or shortly thereafter. If any person wishes to object tot eh recording of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, 1222 First Avenue (M/S 507), San Diego CA 92101.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT